

By DeLaGay

H.B. No. 1709

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of polygraph examiners.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 19, Polygraph Examiners Act (Article 4413(29cc), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 19. REFUSAL, PROBATION, REPRIMAND, SUSPENSION, REVOCATION--GROUNDS. The board shall refuse to issue a license, shall revoke or suspend a license, shall reprimand a licensee, or may probate a license suspension on any one or more of the following grounds:

(1) for failing to inform a subject to be examined as to the nature of the examination;

(2) for administering an involuntary polygraph ~~[failing-to-inform-a-subject-to-be-examined-that-his--participation in-the]~~ examination ~~[is-voluntary]~~;

(3) material misstatement in the application for original license or in the application for any renewal license under this Act;

(4) wilful disregard or violation of this Act or of any regulation or rule issued pursuant thereto, including, but not limited to, wilfully making a false report concerning an examination for polygraph examination purposes;

(5) if the holder of any license has been adjudged

1 guilty of the commission of a felony or a misdemeanor involving
2 moral turpitude;

3 (6) making any wilful misrepresentation or false
4 promises or causing to be printed any false or misleading
5 advertisement for the purpose of directly or indirectly obtaining
6 business or trainees;

7 (7) having demonstrated unworthiness or incompetency
8 to act as a polygraph examiner as defined by this Act;

9 (8) allowing one's license under this Act to be used
10 by any unlicensed person in violation of the provisions of this
11 Act;

12 (9) wilfully aiding or abetting another in the
13 violation of this Act or any regulation or rule issued pursuant
14 thereto;

15 (10) where the license holder has been adjudged as a
16 habitual drunkard or mentally incompetent as provided in the
17 Probate Code;

18 (11) failing, within a reasonable time, to provide
19 information requested by the secretary as the result of a formal
20 complaint to the board which would indicate a violation of this
21 Act;

22 (12) failing to inform the subject of the results of
23 the examination if so requested;

24 (13) violating Subsection (a) of Section 19A of this
25 Act relating to the confidentiality of information acquired from an
26 examination; or

27 (14) violating Section 51.151, Family Code, relating

1 to the examination of a child taken into custody.

2 SECTION 2. This Act takes effect September 1, 1993, and
3 applies only to a polygraph examination conducted on or after that
4 date. A polygraph examination conducted before the effective date
5 is governed by the law in effect on the date the examination was
6 conducted, and the former law is continued in effect for that
7 purpose.

8 SECTION 3. The importance of this legislation and the
9 crowded condition of the calendars in both houses create an
10 emergency and an imperative public necessity that the
11 constitutional rule requiring bills to be read on three several
12 days in each house be suspended, and this rule is hereby suspended.

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AN ACT

relating to the regulation of polygraph examiners.

MAR 9 1993

1. Filed with the Chief Clerk.

MAR 10 1993

2. Read first time and Referred to Committee on

PUBLIC SAFETY

3. Reported _____ favorably ^(as amended)_(as substituted) and sent to Printer at _____

4. Printed and distributed at _____

5. Sent to Committee on Calendars at _____

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)
(Record Vote of _____ yeas, _____ nays, _____
present, not voting).

7. Motion to reconsider and table the vote by which H.B. _____ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. _____ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of _____ years, _____ days, and _____ present, not voting).

12. Ordered Engrossed at _____

13. Engrossed.

14. Returned to Chief Clerk at _____

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on _____

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by
(a viva voce vote.)
(_____ years, _____ nays.)

_____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.

_____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.)
(_____ yeas, _____ nays.)

_____ 24. Caption ordered amended to conform to body of bill.

_____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 26. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

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Secretary of the Senate

_____ 27. Returned to the House.

_____ 28. Received from the Senate (with amendments,
(as substituted.)

_____ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)
(Substitute) by a (Non-Record
Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 30. Conference Committee Ordered.

_____ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 32. Ordered Enrolled at _____